



## IN THE UNITED STATES PATENT AND TRADEMARK OFFIC

In re the Application of:

Takayuki NIMIYA, et al.

Application No.: 09/986,190

Filed: November 7, 2001

For:

Attorney Docket No.: OGW-0203

Examiner: R. Watson

Art Unit: 3723

Confirmation No. 4895

BUILDING METHOD OF OVERHEAD INFRASTRUCTURE

## RESPONSE TO RESTRICTION REQUIREMENT

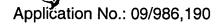
Commissioner for Patents P.O. Box 1450 Alexander Virginia 22 313-1450

Sir:

In response to the Restriction Requirement dated September 10, 2003, Applicants provisionally elect Group II, claims 2, 3, 4 (2), 4 (3), 5, 6 (2) and 6 (3) with traverse.

Examiner points out that while the invention of Claim 1 consists in a process of making an overhead infrastructure, that of Claims 2 and 3 does in a process of using an overhead infrastructure. The applicant points out, however, that each of the Claims 1 to 3 is drawn to a method of building an overhead infrastructure comprising or including both of a process of making and a process of using an overhead infrastructure: In greater detail, the Claim 1 includes a step of making a basic construction and also a step of using the basic construction namely utilizing the basic construction and thereby extending an overhead line in an empty space of an overhead cableway on demand. With Claims 2 and 3, they depend on Claim I and define the step of use in further specification, namely specific embodiments of the step of use of Claim

Thus, it is respectfully submitted that there hardly lies a ground whereby the Claims of the present application should necessarily be divided into Groups I and 11.





Furthermore, it is respectfully submitted that the subject matter of all claims is sufficiently related that a thorough search or the subject matter of any one group of claims would necessarily encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP 803 which is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims that are distinct or independent inventions" (emphasis added).

It is respectfully submitted that this policy should apply to the present application in order to avoid unnecessary delay and expense to Applicants and the duplicative examination by the Patent Office.

Dated: October 9, 2003

Respectfully submitted,

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